

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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SURREY CORPORATION,

Plaintiff,

- against -

ALSY MANUFACTURING, INC., et al.,

Defendants.

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**REPORT AND
RECOMMENDATION**

CV 90-2941 (DGT) (JO)

JAMES ORENSTEIN, Magistrate Judge:

Over fifteen years after the plaintiff filed the complaint in this case, *see* Docket Entry ("DE") 1 (Aug. 21, 1990), the parties stipulate that the court should dismiss the action without prejudice. DE 307. I submit this Report and Recommendation to urge the court to so order that disposition. Since the case was referred to me on June 29, 2004, the parties have made extensive efforts to settle the case, by attending conferences with me and conducting additional negotiations on their own.

At the most recent conference on September 13, 2005, after hearing counsel's report of the status of negotiations, I scheduled a planning conference (the date of which has since been adjourned to December 2, 2005) so as to move forward with the litigation should the parties fail to agree to a disposition. I further ordered, "If the parties submit a stipulation of discontinuance without prejudice [before the scheduled conference date], the next conference will be adjourned pending Judge Trager's decision on whether to so order the stipulation." DE 303 (emphasis in original).

After extensive discussions with all the parties, as well as with interested non-parties, I believe that a discontinuance without prejudice serves the parties respective interests, the public's, and the court's. I therefore recommend that the court so order the proposed disposition.

Pending the court's decision, the conference scheduled for December 2, 2005, is adjourned without date. I will schedule further proceedings if and as appropriate.

SO ORDERED.

Dated: Central Islip, New York
December 1, 2005

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge